

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA	:	Case No. 1: 04 CV 689
	:	Criminal No. 1: 02-CR-22
Plaintiff,	:	
	:	Chief Judge Beckwith
v.	:	
	:	<u>UNITED STATES' RESPONSE</u>
SAMUEL A. ASHLEY, JR.,	:	<u>TO DEFENDANT'S MOTION</u>
	:	<u>CONCERNING PERSONAL</u>
Defendant.	:	<u>PROPERTY</u>

Comes now the United States of America and submits its response to the Defendant's "Motion To Obtain Another Court Order Ordering the Government To Turn Over All Personal Property of the Defendant". In passing, the United States of America suggests that this Court modify the previous Order entered by Judge Dlott based on the following.

Ashley claims that the FBI seized certain property of his. This is not disputed. Items seized include the wallet he discusses in his Motion, a wallet that was filled with fraudulent identification documents. A video of his wedding was seized too, this video contains evidence that Ashley was married while using a false name. If Ashley's §2255 motion were to be granted and this matter was forced to be tried, such evidence is clearly relevant to prove the criminal activity and fraud Ashley perpetrated partially through his use of false names and aliases.

Ashley claims that "Federal Agents searched the defendant's home without a search warrant". What he fails to note was that at the time, agents were given permission to do so after being informed that someone was burning relevant evidence.

The relevant agents, which not only include the FBI but employees of the Internal Revenue Service, are compiling a list of his property. The relevance of this property depends on

how this Honorable Court rules on Ashley's §2255 Motion and how the Sixth Circuit may rule on Ashley's predicted appeal of an unfavorable ruling by this Court. Until this matter concerning Ashley's collateral attack upon his sentence is resolved, much of the property Ashley speaks of must remain as potential evidence.

The United States therefore suggests that this Court hold Ashley's Motion for consideration after the termination of the §2255 Motion Litigation and modify Judge Dlott's previous Order on the above grounds and to include only property that does not contain evidence of Ashley's fraudulent aliases.

Respectfully submitted,

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s/James M. Coombe

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *United States' Response to Defendant's Motion Concerning Personal Property* was served this 9th day of February, 2005 by regular U.S. Mail, upon Mr. Samuel A. Ashley, Jr., #40656061, Federal Correctional Institution, P.O. Box 6001, Ashland, Kentucky 41105.

s/James M. Coombe

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